



DOCKET FILE COPY ORIGINAL  
Federal Communications Commission  
Washington, D.C. 20554

April 4, 2001

Mr. Michael G. Hubbard  
P.O. Box 950  
Auburn, Alabama 36831

Dear Mr. Hubbard:

This is in response to the petition for rule making you filed February 7, 2001, on behalf of Auburn Network, Inc., requesting the allotment of Channel 263A at Auburn, Alabama, as the community's second local FM transmission service.

We have reviewed your proposal and find that it is unacceptable for consideration at this time. A staff engineering analysis indicates that the proposed site at coordinates 32-36-09 NL and 85-28-52 WL is short-spaced to the application (BPH-20010112ABQ) for two sites for Station WWWQ(FM), Channel 263C2, College Park, Georgia. FM applications are protected from conflicting rulemaking proposals on the date they are received by the Commission. See Conflicts Between Applications and Petitions for Rulemaking to Amend the FM Table of Allotments, MM Docket No. 91-348, 7 FCC Rcd 4917 (1992).

For the reason stated above, we are returning your petition for rule making.

Sincerely,

A handwritten signature in black ink, which appears to read "John A. Karousos", is written over a large, stylized oval shape.

John A. Karousos  
Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

Enclosures

RECEIVED *sfmb*

FEB 7 2001

GARDNER, CARTON & DOUGLAS

1301 K STREET, N.W.

SUITE 900, EAST TOWER

WRITER'S DIRECT DIAL NUMBER

WASHINGTON, D.C. 20005

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

CHICAGO, ILLINOIS

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February 7, 2001

Magalie Roman Salas, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: Petition for Rulemaking  
Amendment of Section 73.202(b), Table of Allotments – Auburn, Alabama  
Auburn Network, Inc., Petitioner**

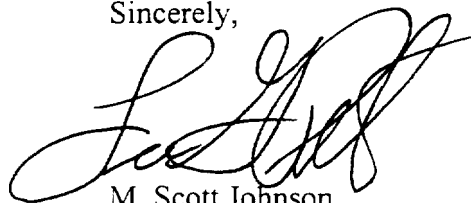
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Dear Ms. Salas:

Transmitted herewith, on behalf of Auburn Network, Inc., is an original and four (4) copies of its Petition For Rulemaking for a new FM broadcast station on Channel 263A at Auburn, Alabama.

Should there be any questions, please contact undersigned counsel.

Sincerely,



M. Scott Johnson  
Lee G. Petro

Enclosures

cc: Ms. Nancy Joyner, 3-A267  
Federal Communications Commission

DC01/345008.1

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FEB 7 2001

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendment of Section 73.202(b) ) MM Docket \_\_\_\_\_  
Table of Allotments, ) RM - \_\_\_\_\_  
FM Broadcast Stations )  
(Auburn, Alabama) )

To: The Chief, Allocations Branch

**PETITION FOR RULE MAKING**

Comes now AUBURN NETWORK, INC., (hereafter "Petitioner"), pursuant to Section 1.401 of the Commission's Rules, and respectfully petitions the Commission to amend the FM Table of Allotments, 47 C.F.R. 73.202(b), to allocate FM Channel 263A to Auburn, Alabama, as that community's second local FM service.

**Proposal of Petitioner:**

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<u>City</u>	<u>Channel Numbers</u>	
	<u>Present</u>	<u>Proposed</u>
Auburn, Alabama	249A	249A, 263A

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In support of this proposal, the following information is herewith submitted for consideration:

Auburn is an incorporated community located in Lee County in east central Alabama, approximately 160 kilometers southeast of Birmingham, Alabama. The city population is 33,830 and the county population is 87,146 1/. It is the largest city in Lee County and is the home of Auburn University. Adoption of this proposal will provide Auburn with its second commercial FM broadcast service.

Attached hereto and made a part of this petition is a Technical Exhibit in support of the requested allotment. Based on the information contained therein, it appears that the requested channel could be allocated to Auburn, in full compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules, without the imposition of a site-restriction.

Petitioner is the licensee of WANI(AM), which is licensed to the contiguous community of Opelika, Alabama. If this proposal is adopted, Petitioner will promptly apply for authority to construct and operate a new FM broadcast station at Auburn, Alabama. If a construction permit is granted, Petitioner will promptly construct and operate the proposed station.

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1/ Population figures from the 1990 U.S. Census.

In accordance with Section 1.52 of the Commission's Rules and Regulations, I hereby certify that I have examined the foregoing Petition for Rule Making and the attached Technical Exhibit and that both are true and correct to the best of my knowledge and belief.

WHEREFORE, it is respectfully requested that the instant petition be granted and that the FM Table of Allotments, Section 73.202(b), be amended as requested herein.

Respectfully submitted,

AUBURN NETWORK, INC.

Michael G. Hubbard  
P.O. Box 950  
Auburn, AL 36831  
(334) 826-2929

  
1/8/01



# **Contemporary Communications**

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## **TECHNICAL EXHIBIT**

IN SUPPORT OF  
PETITION FOR RULE MAKING  
NEW FM - CHANNEL 263A  
AUBURN, ALABAMA

AUBURN NETWORK, INC.

CONTEMPORARY COMMUNICATIONS  
Broadcast Consultants  
Post Office Box 1787  
Cleveland, MS 38732  
Phone: (662) 846-1787  
Fax: (662) 843-1410  
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## **TECHNICAL EXHIBIT**

IN SUPPORT OF  
PETITION FOR RULE MAKING  
NEW FM - CHANNEL 263A  
AUBURN, ALABAMA

AUBURN NETWORK, INC.

### **INTRODUCTION**

This Technical Exhibit supports the petition of AUBURN NETWORK, INC., seeking to amend the FM Table of Allotments, Section 73.202(b) of the Rules, by allocating FM Channel 263A to Auburn, Alabama, as that community's second local FM channel.

### **ALLOCATION**

A study was performed using the computerized **SEARCHFM** frequency search program and the current FCC/NTIS database to determine if Channel 263A could be allocated in compliance with the minimum distance separation requirements of Section 73.207(b) of the Commission's Rules. The study included all applicable co-channel, adjacent-channel and IF separations. The results of that study indicate that Channel 263A may be allocated to Auburn in full compliance with Section 73.207(b), without the imposition of a site-restriction.

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The "area-to-locate" for Channel 263A is indicated on Exhibit A, attached hereto. The exhibit depicts the required separation arcs from all pertinent co-channel and adjacent channel stations and allocations. As indicated, there is ample area in the vicinity of Auburn in which to locate a transmitter site. Assuming maximum Class A facilities (6 kw @ 100 meters above average terrain), a transmitter site at any location within the "area-to-locate" would enable the proposed station to provide adequate city-grade (70 dBu) coverage to the entire city, in full compliance with Section 73.315(a) and (b).

## **CONCLUSION**

The proposed change in the table of allotments will not create a short-spacing to any existing station, pending application or vacant allotment, and will not require the reallocation of any station, pending application or vacant allotment.

A copy of the separation study for Channel 263A is attached hereto as Exhibit B and made a part of this report (only those stations and channels sufficiently close for concern are noted therein).

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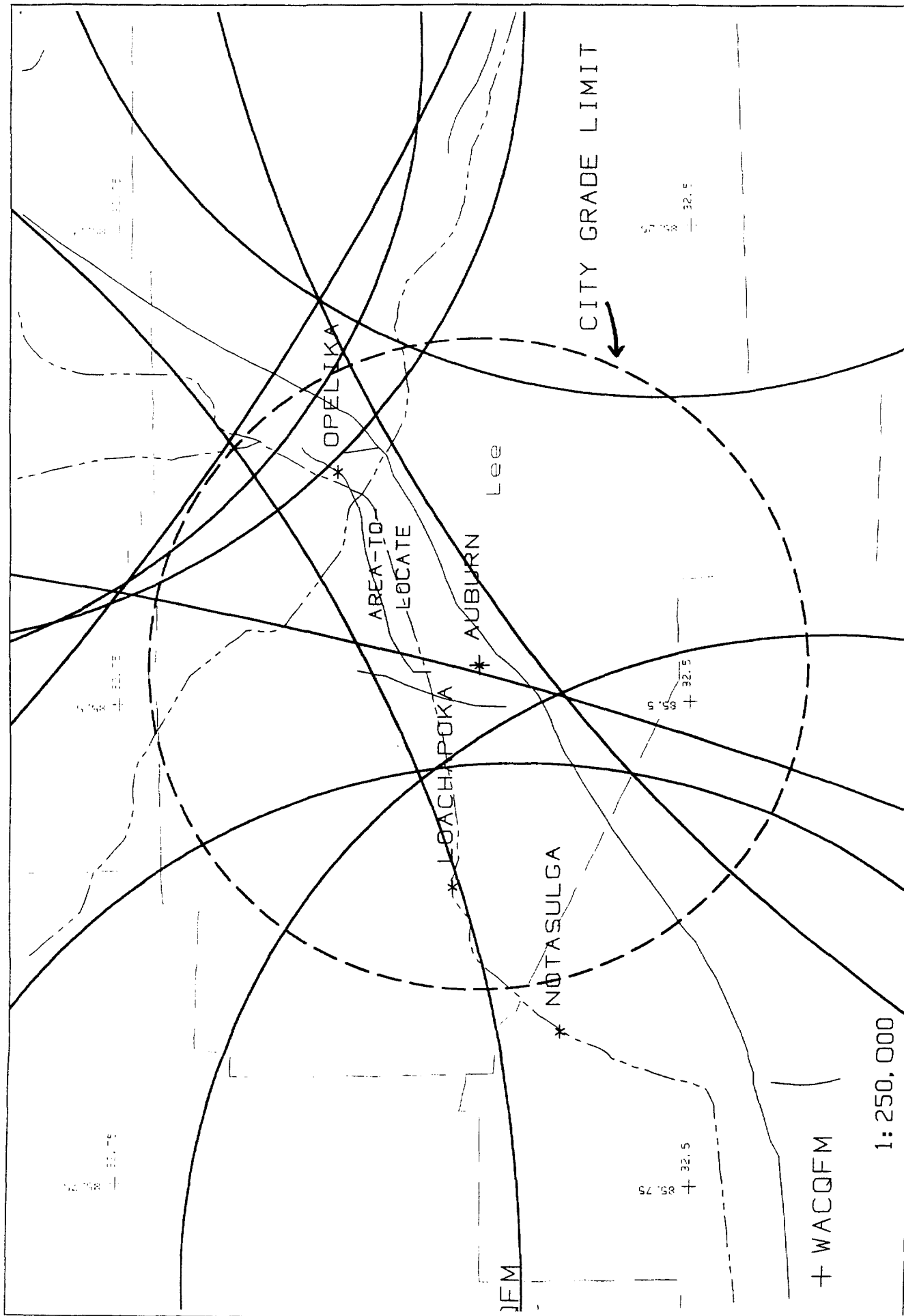


EXHIBIT A

AUBURN, ALABAMA

AREA-TO-LOCATE - CH. 263A

N. Lat. 32 36 09 W. Lng. 85 28 52

CONTEMPORARY COMMUNICATIONS  
BROADCAST CONSULTANTS

EXHIBIT B

AUBURN NETWORK INC.  
NEW FM DROP-IN SEARCH

REFERENCE	CLASS = A	DISPLAY DATES
32 36 09 N	Current Spacings	DATA 06-22-00
85 28 52 W		SEARCH 06-24-00
----- Channel 263 - 100.5 MHz -----		

Call	Channel	Location	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Power	HAAT			
RDEL	DEL 263C	Anniston	AL	119.89	341.6	226.0 -106.11
33 37 38	85 53 25	0.000 kW	0 M			
		RM9268		0		
WHMAFM	LIC 263C	Anniston	AL	119.89	341.6	226.0 -106.11
33 37 38	85 53 25	100.000 kW	348 M			
		Wnnx Lico, Inc.	BLH19890803KB	6809		
WLXY.A	APP 263C1	Northport	AL	200.02	285.1	200.0 0.02
33 03 15	87 32 57	100.000 kW	299 M			
		Radio South, Inc.	BPH19991012AAG	70914		
AVAC	VAC 263C1	Northport	AL	200.02	285.1	200.0 0.02
33 03 15	87 32 57	0.000 kW	0 M			
		Radio South, Inc.		70914		
WMRZ.C	CP 264C3	Cuthbert	GA	92.26	143.9	89.0 3.26
31 55 49	84 54 15	11.500 kW	146 M			
		Alaga Communications Corp.	BPH19971028ME	89045		
WACQFM	LIC 260A	Tallassee	AL	34.53	238.9	31.0 3.53
32 26 30	85 47 45	2.950 kW	142 M			
		Hughey Communications, Inc.	BMLH19951006KC	68310		
RADD	ADD 264A	Ashland	AL	75.80	335.0	72.0 3.80
33 13 15	85 49 35	0.000 kW	0 M			
		RM9268		0		
WACQFM	CP 260A	Tallassee	AL	35.87	265.5	31.0 4.87
32 34 37	85 51 43	3.100 kW	134 M			
		Hughey Communications, Inc.	BPH19970609IA	68310		
WCJMF	CP 265A	West Point	GA	42.48	49.1	31.0 11.48
32 51 07	85 08 14	5.800 kW	100 M			
		Root Communications License C	BPH19990129IG	54863		
WCJMF	LIC 265A	West Point	GA	44.60	42.8	31.0 13.60
32 53 48	85 09 24	6.000 kW	54 M			
		Root Communications License C	BLH19941017KC	54863		
WGSY	LIC 261A	Phenix City	AL	45.25	102.8	31.0 14.25
32 30 42	85 00 41	6.000 kW	100 M			
		Cumulus Licensing Corp	BMLH19900403KA	66668		
RADD	ADD 263C3	College Park	GA	157.39	35.0	142.0 15.39
33 45 32	84 30 10	0.000 kW	0 M			
		RM9268		0		
WXUS	LIC 263A	Fort Rucker	AL	141.80	184.3	115.0 26.80
31 19 38	85 35 35	2.800 kW	145 M			
		Skyway Broadcasting Ltd.	BLH19921102KD	60591		

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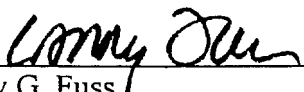
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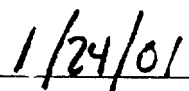
## CERTIFICATION

State of Mississippi )  
 ) ss.  
County of Bolivar )

I, Larry G. Fuss, do hereby certify as follows:

- 1) I am a qualified and experienced broadcast consultant. I have been actively involved in the broadcast industry since 1972 and currently hold a lifetime FCC General Class Radio Telephone License (License No. PG-8-8450).
- 2) I have prepared numerous applications and rule making petitions which have been accepted for filing with the Federal Communications Commission.
- 3) I have been retained by AUBURN NETWORK, INC., to prepare the attached Technical Exhibit.
- 4) The Technical Exhibit, of which this deposition is a part, and the measurements, calculations, studies and determinations upon which this report is based, were prepared by me or under my supervision and direction. All material contained therein is believed to be true and correct, to the best of my knowledge and belief.

  
\_\_\_\_\_  
Larry G. Fuss  
Affiant

  
\_\_\_\_\_  
Date